

Order

Michigan Supreme Court
Lansing, Michigan

November 2, 2011

Robert P. Young, Jr.,
Chief Justice

143354

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

HOWARD HUBBARD,
Petitioner-Appellee,

v

SC: 143354
COA: 293292
STC: 2008-000305

DETROIT PUBLIC SCHOOLS,
Respondent-Appellant.

On order of the Court, the application for leave to appeal the March 31, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals as on reconsideration granted. The court shall consider whether jurisdiction in the Court of Appeals was lacking where the petitioning teacher did not file a statement of exceptions to the decision of the Administrative Law Judge. See MCL 38.104(5)(I), which provides: "A matter that is not included in a statement of exceptions filed under subdivision (j) or in a statement of cross-exceptions filed under subdivision (k) is considered waived and cannot be heard before the tenure commission or on appeal to the court of appeals."

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2011

Corbin R. Davis

Clerk